

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT ANTHONY SMITH,

Petitioner,

3:08-cv-00335-RCJ-WGC

vs.

ORDER

RENEE BAKER, *et al.*,

Respondents.

3 _____ /

15 In this habeas corpus action, the petitioner, Robert Anthony Smith, is represented by court-
16 appointed counsel. On August 25, 2015, this court denied Smith relief, and judgment was entered
17 accordingly. *See* Order entered August 25, 2015 (ECF No. 81); Judgment (ECF No. 82). Smith
18 appealed, and the court of appeals affirmed on October 20, 2016. *See* Memorandum Order filed
19 October 20, 2016 (ECF No. 87). The court of appeals issued its mandate on November 15, 2016
20 (ECF No. 88).

On December 5, 2016, Smith, acting *pro se*, filed a motion (ECF No. 89), seeking an order of this court compelling his attorney to turn over to him her file relative to this case.

23 Smith does not show that court intervention is required, at this time, with respect to his wish
24 to receive materials regarding his case from his attorney. This case was only recently resolved at the
25 court of appeals level. There is no indication that Smith has written to his attorney, or otherwise

1 contacted her, to request materials related to his case. And, there is no indication that his attorney
2 refuses, or will refuse, to turn materials over to Smith in a manner consistent with her ethical
3 obligation.

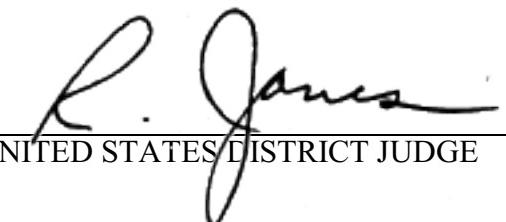
4 The court will, therefore, deny Smith's motion, without prejudice to him filing a new motion
5 in this regard, if necessary, after a reasonable amount of time, if Smith is unable to obtain materials
6 regarding his case from his attorney.

7 **IT IS THEREFORE ORDERED** that petitioner's motion for order requiring attorney to
8 turn over case file (ECF No. 89) is **DENIED**.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall serve a copy of this order on
10 petitioner, by mail, at Ely State Prison.

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12 Dated this 4th day of January, 2016.

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15 UNITED STATES DISTRICT JUDGE
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